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DIVISION

2006 MAR 14 PM 4:25 Atty Docket No. 080586-000100US

PTO FAX NO.: (571) 273-6500

US PATENT &amp; TRADEMARK

ATTENTION:

Examiner MAHATAN, CHANNING

Group Art Unit 1631

## OFFICIAL COMMUNICATION

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REFUNDS SECTION, RECEIPTS DIVISION

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of DAVID SCOTT WISHART et al., Application No. 10/615,416, filed July 7, 2003 for AUTOMATIC IDENTIFICATION OF COMPOUNDS IN A SAMPLE MIXTURE BY MEANS OF NMR SPECTROSCOPY are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

- 1) Transmittal Form (1 p);
- 2) Request For Deposit Account Refund Under 37 CFR 1.26(A) (1 p);
- 3) Monthly Statement of Deposit Account dated 7-29-05 (1 p); and
- 4) Monthly Statement of Deposit Account dated 11/30/05 (1 p).

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Dated: 3-14-06  
Diane Hawley

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**PATENT**  
Attorney Docket No.: 080586-000100US  
Client Ref. No.: 82611-5D

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

David S. Wishart et al.

Application No.: 10/615,416

Filed: July 7, 2003

**For: AUTOMATIC IDENTIFICATION OF  
COMPOUNDS IN A SAMPLE MIXTURE  
BY MEANS OF NMR SPECTROSCOPY**

Confirmation No. 7969

Examiner: MAHATAN, CHANNING

Technology Center/Art Unit: 1631

**REQUEST FOR DEPOSIT ACCOUNT  
REFUND UNDER 37 CFR §1.26(A)**

Mail Stop 17  
Refunds Section, Receipts Division  
P.O. Box 1450  
Assistant Commissioner for Patents  
Alexandria, VA 22313


Sir:

Applicants request a refund in the amount of \$360.00. Two Information Disclosure Statements were filed before the filing of the first Office Action for above referenced application. The filing fees were submitted in error and were not required as evidenced in the attached documents.

Please see attached a Monthly Statement of Deposit Account (Exhibit A). A charge of \$180.00 was posted on July 19, 2005 for the filing of the Information Disclosure Statement. Thereafter, as shown on the second Monthly Statement of Deposit Account (Exhibit B), a charge of \$180.00 was posted on November 3, 2005 for the filing of the Information Disclosure Statement.

Please refund the amount of \$360.00 to the Deposit Account No. 20-1430.

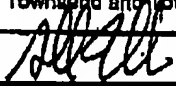
Respectfully submitted,

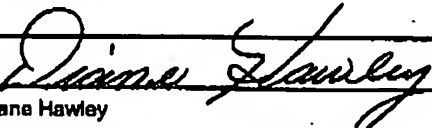
  
Ardeshir Tabibi  
Reg. No. 48,750

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San Francisco, California 94111-3834  
Tel: (650) 326-2400  
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Attachments  
AT:rlj  
60724073 v1

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/815,416
		Filing Date	July 7, 2003
		First Named Inventor	Wlahart, David Scott
		Art Unit	1831
		Examiner Name	Mahatan, Channing
Total Number of Pages in This Submission		Attorney Docket Number	080586-000100US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copies of Monthly Statement of Deposit Account dated 7/28/05 and 11/30/05
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Ardeshir Tabibi		
Date	3-14-06	Reg. No.	48,760

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Signature			
Typed or printed name	Diane Hawley	Date	3-14-06

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*and*  
**TOWNSEND**  
*and*  
**CREW**  
LLP

March 14, 2006

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Patent Agent  
Smart & Bigger  
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379 Lytton Avenue  
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Re: U.S. Patent Application No.: 10/615,416  
For: AUTOMATIC IDENTIFICATION OF COMPOUNDS IN A SAMPLE MIXTURE  
BY MEANS OF NMR SPECTROSCOPY  
Inventors: David Scott Wishart, Russell Greiner, Tim Alan Rosborough, Brent Allen  
Lefebvre, Noah Alexander Epstein, Jack Barless Newton and Warren Roger Wong  
Filed: July 7, 2003  
Your Ref. No.: 82611-5D  
Our File No.: 080586-000100US

Dear John:

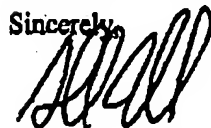
Enclosed for your records are copies of the below-identified documents:

- 1) Certification of Facsimile Transmission;
- 2) Transmittal Form;
- 3) Request For Deposit Account Refund Under 37 CFR 1.26(A);
- 4) Monthly Statement of Deposit Account dated 7-29-05; and
- 5) Monthly Statement of Deposit Account dated 11/30/05.

These documents were submitted to the U.S. Patent and Trademark Office on March 14, 2006, in response to your request. We will contact you again with the results of this Request in due course.

Should you have any questions, please feel free to contact us.

Sincerely,



Ardashir Tabibi

AT:deh

Encs.

60724090 v1

Atty Docket No. 080586-000100US

PTO FAX NO.: (571) 273-6500

ATTENTION: Examiner MAHATAN, CHANNING

Group Art Unit 1631

**OFFICIAL COMMUNICATION**  
**MAIL STOP 17**  
**REFUNDS SECTION, RECEIPTS DIVISION**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of DAVID SCOTT WISHART et al., Application No. 10/615,416, filed July 7, 2003 for AUTOMATIC IDENTIFICATION OF COMPOUNDS IN A SAMPLE MIXTURE BY MEANS OF NMR SPECTROSCOPY are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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- 2) Request For Deposit Account Refund Under 37 CFR 1.26(A) (1 p);
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**DAVID SCOTT WISHART et al.**

Application No.: 10/615,416

Filed: July 7, 2003

For: AUTOMATIC IDENTIFICATION OF  
COMPOUNDS IN A SAMPLE MIXTURE  
BY MEANS OF NMR SPECTROSCOPY

Customer No.: 20350

Confirmation No.: 7969

Examiner: MAHATAN, CHANNING

Art Unit: 1631

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97 and §1.98

Commissioner for Patents  
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Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are not enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

The Commissioner is authorized to deduct the fee in the amount of \$180 for submission of this statement from Deposit Account No. 20-1430 in accordance with the enclosed Fee Transmittal.

07/19/2005 EAREGAY1 00000044 201430 10615416

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Respectfully submitted,

*Ardeshtir Tabibi*  
Ardeshtir Tabibi  
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**PATENT**  
Attorney Docket No.: 080586-000100US  
Client Reference No.: 82611-5D

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DAVID SCOTT WISHART et al.

Application No.: 10/615,416

Filed: July 7, 2003

For: AUTOMATIC IDENTIFICATION OF  
COMPOUNDS IN A SAMPLE MIXTURE  
BY MEANS OF NMR SPECTROSCOPY

Examiner: MAHATAN, CHANNING

Art Unit: 1631

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37 CFR  
§1.97 and §1.98

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Sir:

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Respectfully submitted,

Ardeshir Tabibi  
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